



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला शुक्रवार, 24 अगस्त, 1962/2 भाद्रपद, 1884

HIMACHAL PRADESH ADMINISTRATION

LAW DEPARTMENT

NOTIFICATION

Simla-4, the 9th August, 1962

No. 1-14/62-LR.—The Legislative Councils (Composition) Bill, 1962, as introduced in the Lok Sabha, and the Statements of Objects and Reasons are hereby published in the Himachal Pradesh Administration Gazette for the purpose of eliciting opinion thereon. Any person or public body desiring to submit an opinion on the Bill should send the same to the Under Secretary (Judicial) to Himachal Pradesh Administration, Simla-4, for onward transmission to the Lok Sabha Secretariat. The opinion should not be sent direct to the Lok Sabha Secretariat or to any Ministry of the Government of India. The opinion should reach the Under Secretary (Judicial) by the 15th of October, 1962.

THE LEGISLATIVE COUNCILS (COMPOSITION) BILL, 1962

(As introduced in Lok Sabha)

A
BILL*to provided for the composition of the Legislative Councils of States and for matters connected therewith.*

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. *Short title extent and commencement.*—(1) This Act may be called the Legislative Councils (Composition) Act, 1962.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless as the context otherwise requires:—

(a) 'block samity' means a body of persons by whatever name called, constituted by or under any State Act for undertaking developmental activities and recognised as a block samity by rules that may be made in this behalf, but shall not include any district board, zila parishad or panchayat;

(b) 'Prescribed' means prescribed by rules made under this Act;

(c) 'tiller of the soil' means a person who cultivates land by his own labour or by the labour of any members of his family or by servants or by hired labour on wages.

3. *Composition of Legislative Council.*—(1) The composition of the Legislative Council of a State shall be as provided in sub-section (2).

(2) Of the total number of members of the Legislative Council of a State—

(a) as nearly as may be, one-twelfth shall be elected by electorates consisting of members of municipalities in the State;

(b) as nearly as may be, one-sixth shall be elected by electorates consisting of members of district boards, zila parishads, block samities and such other local authorities within the State, not being a panchayat as may be prescribed;

(c) as nearly as may be, one-twelfth shall be elected by members of an electoral college chosen by members of panchayats within the State and the number of members of the electoral college and the manner in which they may be chosen shall be such as may be prescribed;

(d) as nearly as may be, one-sixth shall be elected by members of an electoral college chosen by members of co-operative societies within the State and the number of members of the electoral college and the manner in which they may be chosen shall be such as may be prescribed;

(e) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons residing in the State who have been for at least three years graduates of any University in the territory of India or have been for at least three years in possession of qualifications prescribed by or under any law made by Parliament as equivalent to that of a graduate of any such University;

- (f) as nearly as may be, one-twelfth shall be elected by electorates consisting of persons who have been for at least five years engaged in teaching in such educational institutions within the State, not lower in standard than that of a secondary school, as may be prescribed;
- (g) as nearly as may be, one-twelfth shall be elected by members of an electoral college chosen by persons who have been for at least five years engaged in teaching in such educational institutions within the State, not higher in standard than that of a middle school, as may be specified by rules made in this behalf, and the number of members of the electoral college and the manner in which they may be chosen, shall be such as may be prescribed;
- (h) as nearly as may be, one-twelfth shall be elected by members of such organised bodies, within the State, relating to commerce, industry, trade and business, as may be prescribed;
- (i) as nearly as may be, one-twelfth shall be elected by persons of such organised bodies of the tillers of the soil within the State as may be prescribed;
- (j) the remaining members shall be nominated by the Governor in accordance with the provisions of section 4.

(3) The members to be elected under clauses (a) to (i) of sub-section (2) shall be chosen in such territorial constituencies as may be prescribed and the elections under the said clauses shall be held in accordance with the system of proportional representation by means of the single transferable vote.

4. The members to be nominated by the Governor under clause (j) of sub-section (2) of section 3 shall consist of persons having special knowledge or practical experience in respect of such matters as the following namely, literature, science, art, co-operative movement and social service.

5. *Act to override other laws.*—The provisions of this Act and of the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Representation of the People Act, 1950 (43 of 1950), or the rules made under that Act.

6. *Power to make rules.*—(1) The Central Government may, after consulting the Election Commission, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the block samities and other local authorities which may have representation in the Legislative Council of a State;
- (b) the number of persons which an electoral college formed under this Act may consist of and the manner of choosing them;
- (c) the institutions and organised bodies which may have representation in the Legislative Council of a State;
- (d) the territorial constituencies into which a State may be divided for the purpose of election to the Legislative Council of the State;
- (e) any other matter which is to be, or may be, prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the

rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be so however, that any such modifications or annulment shall be without prejudice to the validity anything to previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Until Parliament by law otherwise provides the Composition of the Legislative Council of a State is based, on the provisions contained in clause (3) of Article 171.

Since the passing the Constitution organisational patterns of local authorities have changed to a great extent. In the process of democratic decentralisation, some organised bodies have come into being. Co-operative societies are now destined to play a very important part in our body politic. It is expected that the whole country will be covered by such co-operative societies in different spheres of our community life. Also teachers working in educational institutions lower in standard than that of a Secondary School, have been asking for representation in the Council. It is desirable that organised interests should also be given representation so that the Council shall be representative of all interests.

The object of this Bill is to provide for representation to as many organised interests as are functioning in the State. By giving such representation to these interests the Council would not only become more representative but the functioning of such organisations would be encouraged and would get impetus and their working will become beneficial to the community at large. The local Council will be provided with functional representation which appears to be the intention of the Constitution makers. It is not necessary that Members of Legislative Assembly should have the right to elect one-third of the total strength of the Council. This right has been distributed to organised bodies of industries, commerce, trade and business. Agricultural organisations have also been provided for.

NEW DELHI;
The 4th April, 1962.

SHREE NARAYAN DAS.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill confers on the Central Government power to make rules, in consultation with the Election Commission for determining block samities and other local authorities the number of persons which an electoral college formed under the Act may consist of the institutions and organised bodies which may have representation in the Legislative Council of a State, and territorial constituencies into which a State, may be divided for purposes of election to the Legislative Council and similar other matters concerning such election.

The aforesaid matters on which rules can be made are generally matters of detail. The Delegation of Legislative power is therefore, normal in character.

RAMESHWAR SHARMA,
for Under Secretary (Judicial).